

COUNTY OF SAN DIEGO, CALIFORNIA
BOARD OF SUPERVISORS POLICY

Subject

Land Use Policy for Discretionary Permits Adjacent
to the International Border

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Purpose

To establish a policy and procedure in cooperation with the Federal Government to assist in the acquisition and protection of an open corridor along the International Border prior to the approval of discretionary permits by the County.

Background

Law enforcement along the International Border is a concern to local, State, and Federal Governments and results in considerable time and effort required by various public jurisdictions to resolve problems and issues associated with proximity to the International Border. The Department of Immigration and Naturalization has indicated that such efforts could be enhanced if there existed an open corridor at least (150) feet along the border to facilitate movement of the Patrol's personnel and to serve as an open view corridor. The County of San Diego can assist the Department of Immigration and Naturalization in keeping this corridor open by requiring that discretionary permits provide a time period for the Department of Immigration and Naturalization to purchase rights or fee title to such open corridor before such area is developed. San Diego County can additionally assist by ensuring through subdivision design that new subdivided lots will not be created within this open area.

On October 22, 1986, as part of the public hearing for General Plan Amendment GPA86-03, the Board of Supervisors adopted a special setback on land adjacent to the International Border. This special (90) foot setback exclusive of the existing (60) foot Public Reserve adjacent to the International Border creates a (150) foot open space corridor. The purpose of this open space is to function as a view corridor and to provide emergency access to facilitate law enforcement and fire protection.

Policy

It is the policy of the Board of Supervisors that for discretionary permits requested for properties located within 150 feet from the International Border, the following shall apply:

1. Upon the receipt of such above described application, the Department of Planning and Land Use shall notify the local Office of Immigration and Naturalization (INS) of such pending application and of the provisions of this policy.
2. Such application shall not be deemed complete until one of the following occurs:

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- a. A letter submitted from the INS indicating they do not plan on entering into negotiations toward purchasing rights to the open space corridor located on the property subject to the application.
- b. Ninety days has elapsed from the date of original submittal and the INS has not indicated to the Department that they are interested in opening negotiations regarding an open space corridor.
- c. A letter is submitted from INS indicating that negotiations have been completed, or attempts to purchase have been abandoned.
- d. One hundred eighty days have elapsed from the date upon which the letter from the INS indicating intent to negotiate was received by the Department of Planning and Land Use.

3. The provisions of this policy shall not apply in the following instances:

- a. Discretionary applications submitted which do not propose building pads, structures, or fences within (150) feet of the International Border.
- b. Discretionary applications for properties which are subject to a setback designator or D designator, which prescribe specific actions to be taken relative to development along the International Border.

Sunset Date

This policy will be reviewed for continuance by December 31, 2010.

Board Action

10-14-87 (23)

12-12-89 (49)

4-14-99 (11)

06-23-04 (12)

CAO Reference

1. Department of Planning and Land Use